

ORDINANCE NO. 27377
**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
TITLE 12 OF THE SAN JOSE MUNICIPAL CODE BY
ADDING A NEW CHAPTER 12.16 TO REQUIRE
DISCLOSURE OF FUNDRAISING SOLICITATIONS BY
ELECTED OFFICIALS OF THE CITY OF SAN JOSE AND
THE REDEVELOPMENT AGENCY BOARD OF
DIRECTORS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Title 12 of the San José Municipal Code is amended by adding a new Chapter to be numbered, entitled and to read as follows:

Chapter 12.16
Disclosure of Fundraising Solicitations

12.16.010 Persons Subject to the Chapter

- A. The disclosure provisions of this Chapter shall apply to elected officials of the City of San José who are the Mayor and Members of the City Council and the Chair and Members of the San José Redevelopment Agency Board of Directors and their controlled committees.
- B. For purposes of this Chapter, "Elected Official" means the Mayor, each Member of the City Council, the Chair and each Member of the San Jose Redevelopment Agency Board of Directors.

12.16.020 Disclosure Requirements – Fundraising Solicitations

A. Each Elected Official and their controlled committees shall disclose any direct fundraising solicitation(s) which resulted in a contribution or donation in any dollar amount or value, made at the behest of or at the request of, the Elected Official to any person or entity, including, but not limited to the following:

1. Donations of funds, goods, or services to, or, payment of funds on behalf of any religious, charitable, nonprofit, governmental or political organization, association, committee or entity, including the City of San José and the Redevelopment Agency of the City of San José;
2. Donations of funds, goods, or services to, or payment of funds on behalf of another Elected Official, City candidate, City ballot measure, elected public official or candidate for elective office or any other campaign committee.

B. For purposes of this Chapter, “made at the behest or at the request of” means at the specific direction of or at the personal request or suggestion of, or with the express prior consent of any Elected Official.

12.16.030 Fundraising Solicitation(s)

A. For purposes of this Chapter, “direct fundraising solicitation(s)” means:

1. A personal request, made directly by the Elected Official or at the behest of, the Elected Official or through an agent, either orally or in writing to a person or entity that a contribution or donation be made from:

- a. A person or entity, who is doing business with, involved with or working on any governmental, administrative or legislative action with or before the City of San José or the San José Redevelopment Agency within one year before or after the date of the request; or
 - b. A person or entity who has been or may foreseeably be involved with or working on any governmental, administrative or legislative action with or before the City of San José or the San José Redevelopment Agency within one year before or after the date of the request.
2. Providing the use of the Elected Official's home or business to hold a fundraising event;
3. Payment by the Elected Official for at least a majority of the costs of a fundraising event.

B. "Direct fundraising solicitation(s)" does not include:

1. A request by the Elected Official for funds publicly to at least a majority of persons who attend any public gathering, or by making a request that appears or is published in a newspaper, or broadcasted on radio or television; or
2. Supplying names by the Elected Official to be used for invitations for a fundraising event; or
3. Recorded telephone solicitations or participation in telephone banks by the Elected Official;

4. Inclusion of the Elected Official's name in the letterhead or in the body of a solicitation letter requesting contributions or donations but which is not sent by or signed by the Elected Official; or
 5. Inclusion of the Elected Official's name in an invitation to a private event or meeting which is not hosted, co-hosted or sponsored by the Elected Official.
- C. For purposes of this Chapter, a "fundraising event" means an event at which contributions or donations are solicited from, delivered or made by a person or entity who is doing business with, involved with or working on any governmental, administrative or legislative action with or before the City of San José or the San José Redevelopment Agency within one year before or after the date of the request or a person or entity who has been or may foreseeably be involved with or working on any governmental, administrative or legislative action with or before the City of San José or the San José Redevelopment Agency within one year before or after the date of the request.

12.16.040 Reporting Requirements

- A. Elected Officials shall file fundraising disclosure reports which include the information specified in this Section with the City Clerk. Reports filed pursuant to this Section shall be public records.
- B. The disclosure reports shall include the following information:
 1. Name of the elected City Official;
 2. Name, address, occupation and employer of the contributor or donor;

3. Date(s) of the direct fundraising solicitation (s);
4. Brief description of the solicitation(s), behest(s) or request(s) including the dollar value or fair market value of goods or services solicited or requested and;
5. Date(s) and amount(s) of the reportable contribution(s), or donation(s) that resulted from the City official's direct request(s) as set forth in Section 12.16.030 A. 1.

C. Reports shall be filed as follows:

1. No later than July 31 for fundraising solicitations made and reportable contributions or donations that resulted from fundraising solicitations during the period from January 1 through June 30; and
2. No later than January 31 for fundraising solicitations made and reportable contributions or donations that resulted from fundraising solicitations during the period from July 1 through December 31.

D. The City Clerk shall be the filing officer for the reports and will be responsible or the preparation of forms and explanatory materials.

12.16.050 Political Reform Act Requirements – Informational

- A. As of the date of enactment of this Chapter 12.16, the Political Reform Act of 1974, as amended, requires elected officials to disclose payments made at their behest for legislative, governmental or charitable purposes aggregating \$5,000 or more from the same source in a calendar year. (California Gov. Code Section 82015(b)(2)(B)(iii)).

- B. The Political Reform Act and Chapter 12.06 of the San José Municipal Code require reporting and disclosure of campaign and officeholder contributions and funds for Elected Officials.
- C. The requirements of this Chapter 12.16 shall not apply to campaign and officeholder contributions and funds for Elected Officials.

PASSED FOR PUBLICATION of title this 15th day of March, 2005, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk